

# BAKER DONELSON

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February 22, 2019

**Via ECF**

Magistrate Judge Steven L. Tiscione  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re:** BioPlus Specialty Pharmacy Services, Inc. v. Bio Plus Pharmacy, Inc.  
Civil Action No.: 1:18-cv-03370-WFK-ST  
Proposed Discovery Schedule

Dear Judge Tiscione:

Pursuant to this Court's directive at the February 19, 2019 settlement conference, and the Court's Civil Minute Entry (ECF No. 53), enclosed please find the parties' proposed discovery schedule, along with proposed dates for a further settlement conference. The parties have already exchanged extensive requests for written discovery, and therefore have not supplied corresponding dates for Phase 1 Discovery.

We thank the Court for its attention to this matter.

Sincerely,

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, PC

/s/ Hal K. Litchford  
Hal K. Litchford

Enclosure

cc: David J. Hoffman

**DISCOVERY PLAN WORKSHEET****PHASE I Pre-Settlement Discovery**

Deadline for completion of Rule 26(a) initial disclosures and HIPAA complaint records authorizations:	N/A
Completion date for Phase I Discovery as agreed upon by the parties: (Reciprocal and agreed upon document production and other discovery necessary for a reasoned consideration of settlement. Presumptively 60 days after Initial Conference.)	N/A
Date for further settlement conference: (Parties should propose a date approximately 10-15 days after the completion of Phase I Discovery, subject to the Court's availability)	May 20, 2019

**PHASE II (Discovery and Motion Practice)**

Motion to join new parties or amend the pleadings: (Presumptively 15 days post initial settlement conference)	March 4, 2019
First requests for production of documents and for interrogatories due by: (Presumptively 15 days post joining/amending)	March 18, 2019
All fact discovery completed by: (Presumptively 3.5 months post first requests for documents/interrogatories)	May 13, 2019
Exchange of expert reports completed by: (Presumptively 30 days post fact discovery)	June 28, 2019 for party with the burden of proof July 10, 2019 for rebuttal expert reports
Expert Depositions and Supplemental Expert Fact Discovery completed by: (Presumptively 30 days post expert reports)	July 26, 2019
COMPLETION OF ALL DISCOVERY BY: (Presumptively 9 months after Initial Conference)	July 26, 2019

Final date to take first step in dispositive motion practice: (Parties are directed to consult the District Judge's Individual Rules regarding such motion practice. Presumptively 30 days post completion of all discovery)	August 2, 2019
Trial Date	Week of August 26, 2019
Do the parties wish to be referred to the EDNY's mediation program pursuant to Local Rule 83.8?	No